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5

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
\* \* \*

8  
9 UNITED STATES OF AMERICA, ) 2:14-CR-0395-KJD-PAL  
10 )  
11 Plaintiff, )  
12 )  
13 vs. )  
14 DANIEL COLEMAN, )  
15 Defendant. )  
15 \_\_\_\_\_)

16 **STIPULATION FOR EXTENSION OF TIME**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,  
18 United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for  
19 the United States of America, and Rebecca A. Levy, Assistant Federal Public Defender, counsel  
20 for Defendant DANIEL COLEMAN, that the date for the Government to file a response to the  
21 Defendant's Motion to Suppress Evidence Due to Fourth Amendment Violation (Docket #28) be  
22 extended for two (2) weeks.  
23

24 This stipulation is entered for the following reasons:

25 1. Subsequent to the filing of the Defendant's Motion, the parties commenced  
26 discussions of how to possibly resolve the case with a guilty plea. The Government has tendered  
27 to the Defendant a proposed resolution to the charge against him. The proposed negotiation  
28 would contemplate the Defendant withdrawing his Motion, which will obviate the need for the  
Government to file a Response.

1       2.    Counsel for the Defendant needs additional time to discuss the proposed plea  
2 agreement with the Defendant.

3       3.    The Defendant is incarcerated, but he does not object to the continuance of the  
4 Government's response deadline.

5       4.    The additional time requested herein is not sought for purposes of delay, but  
6 merely to allow the parties sufficient opportunity to resolve this case.

7       5.    Additionally, denial of this request for continuance could result in a miscarriage  
8 of justice.

9       6.    This is the first stipulation filed herein to continue the Government's response  
10 deadline.

11       DATED: February 24, 2015.

12            \_\_\_\_\_  
13            /s/  
14       PHILLIP N. SMITH, JR.  
15       Assistant United States Attorney  
16       Counsel for the United States

17            \_\_\_\_\_  
18            /s/  
19       REBECCA A. LEVY  
20       Assistant Federal Public Defender  
21       Counsel for Defendant DANIEL COLEMAN

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Subsequent to the filing of the Defendant's Motion, the parties commenced discussions of how to possibly resolve the case with a guilty plea. The Government has tendered to the Defendant a proposed resolution to the charge against him. The proposed negotiation would contemplate the Defendant withdrawing his Motion, which will obviate the need for the Government to file a Response.

2. Counsel for the Defendant needs additional time to discuss the proposed plea agreement with the Defendant.

3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties sufficient opportunity to resolve this case.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first stipulation filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline.

## **CONCLUSIONS OF LAW**

The additional time requested herein is not sought for purposes of delay, but merely to allow the parties adequate time to resolve this case, taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

## ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Suppress Evidence Due to Fourth Amendment Violation (Docket #28) is extended until March 20, 2015.

Jerry A. Teer  
UNITED STATES MAGISTRATE JUDGE

Dated: March 4, 2015